

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

<b>DORMAN ANGEL, et al.</b>	:	CIVIL ACTION NO. C-1-01-467
	:	
Plaintiffs	:	JUDGE: <b>SANDRA S. BECKWITH</b>
	:	
vs.	:	
	:	
<b>UNITED PAPERWORKERS INTERNATIONAL UNION (PACE) LOCAL 1967, et al.</b>	:	<b><u>NOTICE TO TAKE DEPOSITION OF INTERNATIONAL PAPER REPRESENTATIVE PURSUANT TO RULE 30(b)(6)</u></b>
	:	
Defendants	:	

Now come Plaintiffs, by and through counsel, and hereby gives notice of the taking of the deposition of a representative of International Paper pursuant to Fed. R. Civ. P. 30(b)(6). International Paper shall designate one or more of its officers, directors or managing agents or other persons who consent to testify on its behalf as to the following issues:

1. The identification of the individual or individuals who negotiated on behalf of International Paper with Smart Corporation for the sale of the B Street Mill. This includes what, if any, participation included Dan Maheu.
2. The participation by International Paper in the effects bargaining agreement with the unions at the B Street Mill and the nature of that participation.
3. Discussions relating to the effects bargaining agreement with the unions at the B Street Mill, including any discussions relating to severance for the employees who would be retained or terminated upon sale of the B Street Mill.
4. Discussions between International Paper and Smart relating to the sale agreement, the retention of employees, the rehiring of employees by Smart, and the payment

of severance for employees who were not retained by Smart.

5. The role of Dan Maheu in the issues identified in paragraph 4.
6. The issue of what, if any, contingencies existed between International Paper and Smart in the event an agreement could not be reached between International Paper and the unions relating to the effects bargaining of the plant closure.
7. The issue of any discussions which may have occurred with representatives of International Paper in the event an effects bargaining agreement could not be reached between International Paper and the unions relating to the sale of the B Street Mill.
8. Whether International Paper and its representatives considered the effects bargaining agreement that was executed with the unions a collective bargaining agreement or a part of the bargaining agreement that existed.
9. What, if any, contingencies existed or discussions occurred regarding the assumption of the union contract or a plant strike if no agreement could be reached between International Paper and the unions?
10. What, if any, discussions occurred relating to providing Smart with a work force to operate the plant upon sale and transfer of the plant from International Paper to Smart?

Said deposition will take place on the 4<sup>th</sup> day of March, 2005 at 10:00 a.m. Eastern Standard Time by telephone at the offices of Jacobs, Kleinman, Seibel & McNally, 1014 Vine Street, Suite 2300, Cincinnati, Ohio, 45202. You are invited to participate.

RESPECTFULLY SUBMITTED,

/s/ Mark J. Byrne

**MARK J. BYRNE - #0029243**

JACOBS, KLEINMAN, SEIBEL & MCNALLY

Trial Attorneys for Plaintiffs

2300 Kroger Building

1014 Vine Street

Cincinnati, OH 45202

Tele: (513) 381-6600

Fax: (513) 381-4150

E-mail: [mbyrne@jksmlaw.com](mailto:mbyrne@jksmlaw.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on March 3, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Grant S. Cowan, Esquire  
Frost Brown Todd LLC  
Attorney for Defendant  
International Paper Company  
2200 PNC Center  
201 E. Fifth Street  
Cincinnati, OH 45202  
[gcowan@fbtlaw.com](mailto:gcowan@fbtlaw.com)

Vincent J. Miraglia, Esquire  
International Paper Company  
Legal Department  
6400 Poplar Avenue  
Memphis, TN 38197  
[vincent.miraglia@ipaper.com](mailto:vincent.miraglia@ipaper.com)

W. Carter Younger, Esquire  
McGuire Woods LLP  
Attorney for Defendant  
International Paper Company  
One James Center  
901 E. Cary Street  
Richmond, VA 23219  
[cyounger@mcguirewoods.com](mailto:cyounger@mcguirewoods.com)

James B. Robinson, Esquire  
Kircher, Robinson & Welch  
Attorney for Defendant  
PACE International Union  
2520 Kroger Building  
1014 Vine Street  
Cincinnati, OH 45202  
[kircher@fuse.net](mailto:kircher@fuse.net)

Robert J. Hollingsworth, Esquire  
Cors & Bassett  
Attorney for Defendant Smart Papers, LLC  
537 E. Pete Rose Way, Suite 400  
Cincinnati, OH 45202  
[rjh@corsbassett.com](mailto:rjh@corsbassett.com)

Stanley F. Lechner, Esquire  
Laine S. Posel, Esquire  
Morgan, Lewis & Bockius  
Attorney for Defendant  
Smart Papers, LLC  
1111 Pennsylvania Avenue, N.W.  
Washington, DC 20004  
[slechner@morganlewis.com](mailto:slechner@morganlewis.com)  
[lposel@morganlewis.com](mailto:lposel@morganlewis.com)

Robert I. Doggett, Esquire  
Attorney for Defendant  
PACE Local 5-1967  
6740 Clough Pike, Room 200  
Cincinnati, OH 45244  
[rdoggett@sprynet.com](mailto:rdoggett@sprynet.com)

Charles P. Groppe, Esquire  
Morgan, Lewis & Bockius  
Attorney for Defendant  
Smart Papers LLC  
1111 Pennsylvania Avenue, NW  
Washington, DC 20004  
[cgroppe@morganlewis.com](mailto:cgroppe@morganlewis.com)

I also certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants:

Ronald Morgan, Esquire  
Morgan & Associates  
118 South Second Street  
Hamilton, OH 45011

/s/ Mark J. Byrne

**MARK J. BYRNE - #0029243**

Attorney for Plaintiffs